



district court granted the defendants' motions to dismiss and held that Pearson's claims were barred in part by *Heck v. Humphrey*, 512 U.S. 477 (1994), and were otherwise subject to dismissal under 28 U.S.C. § 1915A because they were foreclosed by precedent.

A dismissal for failure to state a claim under § 1915A is reviewed under the same standard as dismissals under Federal Rule of Civil Procedure 12(b)(6). *Bazrowx v. Scott*, 136 F.3d 1053, 1054 (5th Cir. 1998). Under that standard, “[t]he complaint must be liberally construed, with all reasonable inferences drawn in the light most favorable to the plaintiff.” *Woodard v. Andrus*, 419 F.3d 348, 351 (5th Cir. 2005).

Pearson argues that the district court erred by dismissing his complaint because: (1) this court held in *Pearson v. Holder*, 624 F.3d 682 (5th Cir. 2010), that his claims could not be dismissed as insufficient or frivolous; (2) the defendants' arguments were barred by res judicata and collateral estoppel because they failed to raise them before his claims were dismissed as unripe; (3) the federal defendants were proper parties under § 1983 and the Declaratory Judgment Act; and (4) *Heck* is not applicable to claims that do not seek money damages. He has also filed a motion to expedite the appeal.

In *Pearson*, the only issue considered was whether Pearson's claims were ripe for adjudication. 624 F.3d at 683-85. This court's decision did not prohibit dismissal of his claims or prevent the defendants from arguing that his claims are subject to dismissal. His allegation that the federal defendants are proper parties under the Declaratory Judgment Act lacks merit. See *Earnest v. Lowentritt*, 690 F.2d 1198, 1203 (5th Cir. 1982). Moreover, the district court liberally construed his § 1983 claims as alleging claims pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The Supreme Court held in *Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005), that the doctrine set forth in *Heck* was applicable in a § 1983 lawsuit “no matter the relief sought (damages or equitable relief), no matter the target of the

prisoner's suit (state conduct leading to conviction or internal prison proceedings)—*if* success in that action would necessarily demonstrate the invalidity of confinement or its duration.” Because Pearson does not challenge the district court’s determination that success on his claims would necessarily imply the invalidity of his sentence, he has waived that specific issue. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Similarly, Pearson has not challenged the district court’s determination that his claims against the enforcement provisions of the relevant sex offender registry statutes were foreclosed by precedent.

Pearson’s motion to expedite the appeal is DENIED, and the judgment of the district court is AFFIRMED.